

These are the tentative rulings for civil law and motion matters set for Thursday, October 2, 2014, at 8:30 a.m. in the Placer County Superior Court. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by 4:00 p.m. today, Wednesday, October 1, 2014. Notice of request for oral argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date, and after approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

NOTE: Effective July 1, 2014, all telephone appearances will be governed by Local Rule 20.8. More information is available at the court's website, www.placer.courts.ca.gov.

EXCEPT AS OTHERWISE NOTED, THESE TENTATIVE RULINGS ARE ISSUED BY **THE HONORABLE MICHAEL W. JONES** AND IF ORAL ARGUMENT IS REQUESTED, ORAL ARGUMENT WILL BE HEARD IN **DEPARTMENT 43**, LOCATED AT 10820 JUSTICE CENTER DRIVE, ROSEVILLE, CALIFORNIA.

1. M-CV-0059924 Deutsche Bank Nat'l Trust Co. vs. Ochsner, David A., et al

The motion to consolidate and/or stay proceeding is continued to October 9, 2014 at 8:30 a.m. in Department 40 pursuant to the stipulation and order entered on September 25, 2014.

2. M-CV-0061989 Rabe, John, et al vs. Poage, Lori

The appearances of the parties are required for the hearing on the application for stay on the writ of execution.

3. S-CV-0028342 Bortmas, Darren, et al vs. WL Homes LLC

Intervenor Financial Pacific Insurance Company's (Financial Pacific) unopposed Motion for Leave to Intervene is granted pursuant to Code of Civil Procedure section 387(b). Financial Pacific shall file and serve its complaint in intervention on or before September 10, 2014.

4. S-CV-0030828 Crowder, Asia vs. Squaw Valley Preserve, Inc., et al

The OSC re Post-Judgment Final Hearing is continued to May 21, 2014 at 8:30 a.m. in Department 43 at the request of the plaintiffs. Plaintiffs shall file and serve an OSC statement 15 days prior to the next court hearing date.

5. S-CV-0032158 Gortner, Catherine Willis, et al vs. Royal Gorge, LLC

The appearances of the parties are required for defendant's motion for summary adjudication and plaintiff's motion for summary judgment, or in the alternative, summary adjudication.

6. S-CV-0033258 Ziegler, Deborah, et al vs. Precision Craft, Inc., et al

Defendant's Motion to Contest Application for Determination of Good Faith Settlement is denied. Defendant's request for judicial notice is granted pursuant to Evidence Code section 452. Based upon the standards set forth in *Tech-Bilt v. Woodward Clyde & Associates* (1985) 38 Cal.3d 488, the settlement at issue is within the reasonable range of defendant Precision Craft's proportionate shares of liability for Plaintiffs' injuries and therefore is in good faith within the meaning of CCP§877.6.

7. S-CV-0033440 County of Placer vs. Westcon Construction Corporation

The motion for summary adjudication is continued, on the court's own motion to November 6, 2014 at 8:30 a.m. in Department 40.

8. S-CV-0034010 Beadle, Marva vs. Allied Trustee Services, et al.

The motion to sever and/or bifurcate is continued, on the court's own motion, to November 4, 2014 at 8:30 a.m. in Department 32 to be heard by the Honorable Mark S. Curry.

9. S-CV-0034218 Lawson, John, et al vs. Ketcherside, Donald, et al

Plaintiffs' unopposed Motion for Leave to File Amended Complaint is granted. The court may permit a party to amend its operative pleading in the furtherance of justice and on such terms as may be just. (Code of Civil Procedure section 473(a)(1); Code of Civil Procedure section 576.) The moving party must also show that the amendment will not prejudice any opposing party. (*Douglas v. Superior Court* (1989) 215 Cal.App.3d 155, 158.) Courts have broad discretion in granting leave to amend a pleading and such discretion is usually exercised liberally to permit amendment to the pleading. (*Howard v. County of San Diego* (2010) 184 Cal.App.4th 1422, 1428.) After careful review the moving papers and supporting declarations, the court finds good cause to allow plaintiffs to file the proposed first amended complaint. The motion has been brought in a timely fashion, the proposed amendments are appropriate, and there is no showing of prejudice to the defendants.

Plaintiffs shall file and serve their first amended complaint on or before October 10, 2014.

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10. S-CV-0034396 Ochsner, David A. vs. Deutsche Bank Nat'l Trust, et al

The demurrer and motion to consolidate and/or stay proceeding are continued to October 9, 2014 at 8:30 a.m. in Department 40 pursuant to the stipulation and order entered on September 25, 2014.

11. S-CV-0034425 Kosko, Denise vs. Railhead Saloon, et al

Attorney Sark Ohanian's Motion to be Relieved as Counsel for plaintiff Denise Kosko is granted. Mr. Ohanian shall include with the order relieving him as counsel a copy of the August 18, 2014 order on the demurrer along with informing plaintiff of the timelines regarding the filing of an amended complaint. Mr. Ohanian shall be relieved as counsel of record effective upon the filing of the proof of service of the signed order upon plaintiff Denise Kosko.

12. S-CV-0034806 Cummings, Lance vs. Lindsay, Christopher

Defendant's Motion for Leave to File Cross-Complaint is continued to October 23, 2014 at 8:30 a.m. in Department 40. A review of defendant's supporting papers shows that he omitted a memorandum of points and authorities along with failing to include a sufficient supporting declaration. Defendant shall re-notice the hearing for October 23, 2014 in addition to filing and serving a supporting memorandum and supporting declaration on or before October 10, 2014. Plaintiff may file and serve any supplemental briefing on or before October 17, 2014.

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